

**DUNDEE CITY COUNCIL**  
**MANAGEMENT RULES**

**regulating**

**Parks, Open Spaces and Places of Public Resort or Recreation**

DUNDEE CITY COUNCIL (hereinafter referred to as “the Council”) by virtue of the powers conferred on them by Section 112 of the Civic Government (Scotland) Act, 1982 (hereinafter referred to as “the 1982 Act”), hereby makes the following Management Rules for the regulation of parks, open spaces and places of public resort or recreation and conduct of persons while in the parks, open spaces and places of public resort or recreation under the management or control of the Council.

**PART I**

**Interpretation**

**1. Definition of terms used in Management Rules**

- (i) The provision of the Interpretation Act 1978 shall apply to the interpretation of these Management Rules as they apply to the interpretation of an Act of Parliament;
- (ii) In these Management Rules, unless the context requires otherwise, the following words and expressions shall have the following meanings:-

**" the Council"** means the Local Authority for the Dundee City Council in terms of the Local Government etc (Scotland) Act 1994 and their statutory successors.

**"The Director"** means the Director of the Leisure & Communities Department or the Director of the Dundee Contract Services Department of the Council or other duly authorised person.

**"Park"** means any land whether owned or leased by or under the control of the Council and used for the purpose of recreation, games, sports or amusements or as a public playground (other than a school playground and/or school playing fields), open spaces, public walk, caravan park and ornamental or pleasure ground or place of public resort or recreation and all buildings works, appliances and servitudes, rights, powers and privileges connected therewith.

**"Vehicle"** means a carriage or conveyance of whatever description. For the avoidance of doubt this excludes non-motorised cycles and motorised vehicles or vessels adapted for use by a person with a disability and which are being used by that person, provided the user complies with the 2003 Act.

**"Caravan"** means any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether being towed or being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted.

**"The 2003 Act"** means the Land Reform (Scotland) Act 2003 and any Acts extending or amending the same, and any related guidance.

**"The Code"** means the Scottish Outdoor Access Code and any guidance or regulations extending or amending the same.

## Part II

### Entrance and Exclusion from Parks

#### 2. Entry to and Exit from Parks

No person shall enter or leave any park except by the duly appointed gateways or other entrance.

#### 3. Exclusions when Park is Closed

No person shall enter or wilfully remain within any park when such park is closed to the public.

#### 4. Entry to Buildings etc

No person shall, without prior written consent of the Director:-

- (i) enter or be within any building, glasshouse or nursery in any park when such building, glasshouse or nursery is closed to the public; or
- (ii) use any building, glasshouse or nursery in any park otherwise than for the purpose or purposes for which it is provided.

#### 5. Refusal of Admission

The Council reserves the right in respect of any park to refuse admission to any person, group, body or organisation and its decision to do so shall be final. The 2003 Act gives the public the right of responsible access to parks and people are expected to comply with the responsibilities outlined in the Code.

6. Under Section 11 of the 2003 Act, the Council may by order exempt any park or part of a park for a particular purpose specified in the order from the access rights which would otherwise be exercisable during such times as may be specified by the order. In general such exemptions will be limited to allowing a charge to be levied for admission to a particular event; in the interests of safety and security; and for ensuring the protection of privacy.

#### 7. Damage to Trees, Erections etc

No person shall in any park:-

- (i) wilfully or negligently deface, remove, displace, injure or destroy any board, plaque, tablet or any bill, placard or notice exhibited on such board, plaque, tablet or any support, fastening or fitting on any board, plaque or tablet used in exhibiting any bill placard or notice;
- (ii) wilfully or negligently deface, injure, destroy or soil any wall, fence or railing in or enclosing any park or any shelter, barrier, railing, post, seat, erection or ornamental structure situated in any park;
- (iii) climb any building, wall, fence, tree, barrier, railing, post, monument, fountain, shelter or other erection situated in any park.

**8. Persons not to Climb over Walls etc**

No person shall walk, stand, climb, or step on or over any wall, railing, fence, hedge or verge whether temporary or permanent, enclosing or within any park.

**9. Persons not to Enter or Injure Plantations etc**

- (i) No person shall enter or stand, sit or walk in or upon any flower bed, verge, border or shrubbery within any park or in or upon any part of any park which bears notices of restriction;
- (ii) No person shall cut, displace, or injure any turf or uproot or displace any plants of whatever description or anything growing in any park.

**10. Protection of Grass etc**

No person shall lay or deposit on the grass or in or upon any flowerbed, verge, border or shrubbery, or any part of any park, any substance of whatever description likely to be injurious to such part of any park.

**11. Firearms etc**

No person shall, in any park without the prior written consent of the Director:-

- (i) carry any firearm or weapon; or
- (ii) discharge any firearm or weapon; or
- (iii) throw, shoot or propel any stone, fireworks, arrow, knife, missile, or other similar article; or
- (iv) fly or otherwise put into motion any mechanically propelled model aeroplane or similar device, except in such part of any park designated for such purpose by the Council.

Notwithstanding the foregoing provisions of this Management Rule the Council may permit fireworks or other similar display or entertainment within any park on such terms and conditions as they may prescribe.

**PART III****Exclusion etc of Vehicles, Aircraft and Animals****12. Exclusion of animals etc from Parks**

Unless a notice is posted by the Council at the entrance to, or elsewhere in, any park indicating that animals are not permitted in the park or any part thereof it shall be permissible to bring an animal (except a dangerous wild animal as defined under the Dangerous Wild Animals Act 1976) into any park always provided that the owner or person in charge of any such animal shall keep it under close control or on a short lead and ensure that any excrement deposited by any dog under his/her control be picked up and removed from the park and the provisions of the Dog Fouling (Scotland) Act 2003 any Act extending or amending the same shall apply.

- 13.** Any person leading, exercising, training, riding or moving any such animal in any park may do so as provided under the 2003 Act subject to that person complying with the responsibilities outlined in the Code. Owners are asked act responsibly and to avoid crossing marked out sports pitches.

**14. Greyhounds, coursing Dogs etc**

Notwithstanding the foregoing Rules, no person shall take into or permit to be in any park any greyhound or coursing dog which is not on a lead and not led by such person, except with the prior written consent of the Director or in such areas as may be designated for the racing and exercising of such dogs, from time to time by the Council.

**15. Assistance Dogs (Guide Dogs)**

Assistance dogs are exempt from the foregoing Rules when under the control of their handlers, with the exception of the Wildlife Centre in Camperdown Country Park, from which all dogs are prohibited.

**16. Vehicles etc in Parks**

- (a) No person shall use, propel or drive any vehicle including a caravan other than on such roads or other parts of any park as are provided or designated for such purposes and during such hours as may be determined from time to time by the Council or in accordance with such notices which may be erected in any park prohibiting or restricting said use except with the prior written consent of the Director. Notwithstanding this rule, the Director may from time to time permit any vehicle to be used within any part of any park for the purposes of participating in any event involving the use of vehicles.
- (b) There shall be excluded from such restriction any vehicle used or operated by or authorised by the Director in carrying out the maintenance of any park.

**17. Exempt from Restriction**

The provision contained in Management Rule 16 hereof shall not apply for the use in any park of any perambulator or similar vehicle drawn or propelled by hand for the use by a child or invalid or of any ambulance, fire engine, police vehicle, hearse and attendant vehicles as may be permitted by the Director.

**18. Rules as to driving lights etc in Parks**

In any park a driver of any vehicle, or rider of any cycle or horse, or other animal which is normally ridden, shall be bound to observe such statutes, enactments, rules and regulations for the time being in force or any amendment thereof or extension thereto for the regulation of driving on public street or roads and for the exhibition of lights on vehicles as are applicable to public streets or roads.

**19. Speed Control of Vehicles**

No person shall use, propel or drive any vehicle on any road in any park at a speed exceeding ten miles per hour or such other speed as may be determined from time to time by the Council; declaring that nothing in this Management Rule shall be in derogation of any enactment relating to the speed of vehicles.

**20. Car Parking**

- (i) No person shall park any vehicle in any park except in an area designated by the Council as a car park;

- (ii) No person shall park a vehicle overnight in any car park unless they have the prior written consent of the Director;
- (iii) Any designated disabled parking spaces within a car park shall be used only by drivers of vehicles displaying registered disabled markers;
- (iv) The Council reserves the right to impose a charge for car parking;
- (v) The Council shall not be held responsible for any loss or damage to any vehicle or any property left in the car parking facilities or in any vehicle.

## **21. Aircraft**

No person shall make use of any park as an aerodrome or landing ground for aircraft or hot air balloon without the prior written consent of the Director, except in an emergency.

## **22. Kites at Riverside**

It is not permitted to fly kites on the open space adjacent to Riverside Drive or at Magdalen Green.

## **PART IV**

### **Caravans**

## **23. Caravans in Parks**

No persons shall tow, park or otherwise allow to remain, any caravan on any part of any park otherwise than on such parts of any park as are provided or designated for such purposes from time to time by the Council or in accordance with such Notices which may be erected in any park prohibiting or restricting said use.

## **PART V**

### **Protection of Ponds, Fish etc**

## **24. Pollution of Water, Protection of Fish etc**

- (i) Access in any park for swimming or wading in any reservoir, loch, pond, pool, river, canal or stream, is permitted by the 2003 Act, but open water can be dangerous and use should be in accordance with the Code. Signage may be erected to alert the public of potential danger. Swimming or wading shall not be allowed in ornamental ponds or in water bodies specifically managed for horticulture or wildlife;
- (ii) No person shall take, injure, destroy, disturb or interfere with or attempt to take, injure, destroy, disturb or interfere with any fish, amphibians or plants of whatever description in any pond, pool, river or stream in any park, except with the prior written consent of the Director. Pond dipping for educational purposes does not require the prior written consent of the Director and anything taken should be returned;
- (iii) No person shall go onto any ice formed over a body of water in any park (unless a notice intimating that it is safe to do so is displayed where the ice has formed).

**25. Yachts, Boats etc**

Access rights under the 2003 Act extend to non-motorised water based activities such as canoeing, rafting, rowing and sailing. Persons pursuing such activities on any lake, loch, pond, pool, river, canal or stream in any park must do so in a responsible manner and must comply with the responsibilities outlined in the Code. The Director may seek an order or orders to exempt certain water bodies from such use in accordance with Rule 6.

**PART VI****Protection of Animals, Birds, Game etc****26. Protection of Animals, Birds, Games etc**

No person shall in any park:-

- (i) wilfully or negligently displace, disturb, ill-treat, injure, take, destroy or attempt to displace, disturb, ill-treat, injure, take or destroy any animal, bird, game, nest or egg;
- (ii) spread, set or use or attempt to spread, set or use any net, snare, trap, line, firearm, instrument, weapon or other means for the taking, injury or destruction of any animal, bird or game.

Nothing in these Management Rules, however, shall affect the right of the Council, The Director or other person duly authorised by the Council to take such steps as the Secretary of State may require in the exercise of his power under Section 39 of the Agriculture (Scotland) Act 1948 and any Act extending or amending the same for the killing, taking or destruction in any park of any animal or birds to which the said Section applies or the eggs of such birds.

**PART VII****Regulation of Games etc****27. Control of Structures, Erections etc**

No person shall erect in any park without the prior written consent of the Director any post, rail, fence, platform, pole, peg, tent, booth, screen, stand, swing or other erection.

**28. Obligation to perform Sports, Games and Active Pursuits safely**

Any person taking part in leisure activities which may be dangerous to themselves or to others within the park shall ensure that they do so in a safe manner, have regard to other park users, and use recommended safety equipment. Staff appointed by the Council to supervise parks shall have the authority to determine that an activity is potentially dangerous and should be suspended.

**29. Military Operations in Parks**

No person shall drill or practice military or similar operations in any park without the prior written consent of the Council.

**30. Regulation of Cricket, Football etc**

- (i) No person shall play cricket, football, rugby, hockey or similar sport in any park except in such areas and during such a period or periods as the Director may determine from time to time;
- (ii) No person shall play any game or practise any sport or play golf (including putting) in any park:-
  - (a) otherwise than in such part of any park set aside for such purposes; or
  - (b) in such a manner as to disturb or annoy or interfere with other persons in the proper use and enjoyment of any park; or
  - (c) except with the prior written consent of the Director; or
  - (d) in contravention of any notice exhibited in any park prohibiting the playing of such games or the practise of such sports.
- (iii) No person shall leave overnight on or within any park any goalpost, apparatus or equipment except with the prior written consent of the Director.

**31. Use of Play Apparatus**

No person shall use any swing, gymnastic or play apparatus in any park in contravention of any notice erected in any park indicating the use of such apparatus.

**PART VIII****Protection of Person****32. Prohibition of Molestation etc**

No person shall in any park:-

- (i) Wilfully obstruct, disturb, interrupt or annoy any other person in the proper or authorised use of any park; or
- (ii) Wilfully obstruct, disturb, interrupt or annoy any officer, servant or employee of the Council or person duly authorised by the Council in exercise of his duty or in the execution of any work in connection with any park; or
- (iii) molest or importune any other person and no person shall importune any other person for the purpose of prostitution or loiter for that purpose

**PART IX****Control of Trading etc****33. Control of Trading**

No person shall in any park except with the prior written consent of the Director:-

- (i) sell or offer or expose for sale or deal in any commodity article or thing; or

- (ii) let or hire or offer or expose for let or hire any commodity, article or thing; or
- (iii) Pursue any trading vocation; or
- (iv) carry out any market research, survey or any other activity of a similar kind; or
- (v) distribute or affix to any wall, tree, fence or any other surface any hand bill, tract, advertising material or any written or printed paper or document.

## **PART X**

### **Regulations of Meetings etc**

#### **34. Control of speeches, meetings, performances etc**

- (1) No person whilst in any park shall, without the prior written consent of the Council:-
  - (i) deliver or utter any speech, lecture or address or preach; or
  - (ii) hold or cause to be held or take part in any public meeting, lecture, pronouncement, religious service, public discussions, procession, demonstration or public assembly.
- (2) No person in any park shall:-
  - (i) sing or play any instrument; or
  - (ii) operate any cassette, radio, television, compact disc player, apparatus or similar instrument,

in such a manner or to such a degree as may cause annoyance to other persons within the park.

#### **35. Control of Collections etc**

No persons shall in any park solicit or collect money, gifts or subscriptions for any purpose whatsoever except with the prior written consent of the Director.

#### **36. Control of Performances and Exhibitions**

No person shall give or take part in or attempt to give or take part in any performances or exhibition in any park except with the prior written consent of the Director.

## **PART XI**

### **Prevention of Danger, Nuisance etc**

#### **37. Dangerous Articles - Litter, Refuse etc**

No person shall deposit or leave or cause to suffer or fall or to be deposited or left in any park:-

- (i) any substance or article likely to cause injury or damage to any person or property; or
- (ii) any substance or article which might occasion risk of any kind to any child or other person finding or handing same; or



- (iii) any paper, glass, earthenware, rubbish, soot, filth, refuse or other deleterious matter; or
- (iv) any other material;

except with the prior written consent of the Director, unless in containers specifically provided for litter or dog excrement.

### **38. Control and Prevention of Fires etc**

No person shall light a fire, burn, or do any action which might cause to be set on fire or burned in any park any paper, rubbish, refuse, fuel or other substance, except with the prior written consent of the Director. Barbeques shall be permitted provided that they are managed in a controlled manner ensuring that no damage or nuisance is caused to the surrounding area.

### **39. Nuisance**

No person shall in any park:-

- (i) commit a nuisance of any act of indecent behaviour; or
- (ii) use any profane, obscene, abusive, indecent or insulting language.

### **40. Public Conveniences, etc**

No person shall in any park enter any public conveniences or similar accommodation which is not appropriate to the sex and age of such person.

### **41. Alcohol Liquors etc**

Except where a proper licence has been granted in terms of the Licensing (Scotland) Act 1976 and any Act extending or amending the same, no person shall sell or supply or consume or cause to be sold, supplied or consumed any spirit or other alcoholic liquor (as defined in the aforementioned Act).

**42.** No person who is under the influence of alcohol, drugs or solvents shall enter or remain in any park.

### **43. Control of Smoking**

No person shall smoke in any building, pavilion, erection, enclosure or place in any park in contravention of the Smoking, Health and Social Care (Scotland) Act 2005 (Prohibition of Smoking in Certain Premises) Regulations 2005 or a notice prohibiting smoking.

## **PART XII**

### **Miscellaneous**

### **44. Expulsion or Exclusion for Breach of Rules**

The Director may:-

- (i) if he has reasonable grounds for believing that a person has contravened, is contravening or is about to contravene any of the foregoing Management Rules, expel the person from the park;

- (ii) if he has reasonable grounds for believing that a person is about to contravene any of the foregoing Management Rules, exclude that person from the park.

A person who persistently contravenes or attempts to contravene the foregoing Management Rules and is, in the opinion of the Council, likely to contravene them again, shall be liable to be made the subject of an Exclusion Order by the Council for a period not exceeding one year in terms of Section 117 of the 1982 Act.

#### **45. Offences**

Any person who:-

- (i) on being required to leave the park by an authorised Officer of the Council who has reasonable grounds for believing that such person has contravened, is contravening or is about to contravene any of the foregoing Management Rules, fails to leave;
- (ii) on being informed by the authorised Officer of the Council who has reasonable grounds for believing that such person is about to contravene any of the foregoing Management Rules that he is excluded from the park, enters or attempts to enter the park;
- (iii) being a person subject to an Exclusion Order under Section 117 of the 1982 Act, enters or attempts to enter the park to which the Exclusion Order relates.

shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level one of the standard scale, currently TWO HUNDRED POUNDS (£200) STERLING in terms of Section 118 of the 1982 Act.

#### **46. Date of Operation**

The foregoing Management Rules shall come into force on the First day of June Two thousand and Nine.

Dated at Dundee this Sixth day of May, Two Thousand and Nine.

Signed \_\_\_\_\_ "Alex Stephen"      Chief Executive  
DUNDEE CITY COUNCIL